



Docket No.: 049480-0065

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Jack C. RAINS, Jr., et al. : Confirmation Number: 9364
Application No.: 10/555,094 : Group Art Unit: 2875
Filed: November 02, 2005 : Allowed: September 08, 2008
: Examiner: A. Ton
For: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING
APPLICATIONS

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied each of the Notices of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the reasoning set forth in the Statement, particularly to the extent that the wording used in the Statement may be construed as differing from the actual claim language and/or the otherwise proper interpretation of the claim language in view of Applicants' prosecution of the claims.

The Statement first finds Applicants assertions of patentability to be persuasive. However, each version of Statement goes on to indicate that the art "does not anticipate individually or teach in combination the invention as recited in claims 6-11, 16-26." The

reference to "the invention" and to all of the claims in one Statement should not be construed as any indication that all of the claims are directed to a single subject or necessarily stand or fall together for purposes of patentability over the art. The claims differ as to language and scope, and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the reference to "the invention" in the Statement. It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:MWE
Facsimile: 202.756.8087
Date: September 15, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277
Jack C. RAINS, Jr., et al. : Confirmation Number: 9364
Application No.: 10/555,094 : Group Art Unit: 2875
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For: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR
LIGHTING APPLICATIONS

REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated September 08, 2008.

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed **November 2, 2005 or February 22, 2007**. Enclosed are copies of the Information Disclosure Statements, PTO-1449s and stamped return postcard acknowledgements.

We also note that we have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed **September 18, 2007**. Specifically, the **U.S. Office Action issued in U.S. Patent Application No. 11/233,036, dated May 30, 2007** listed under **“Other Art”** is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard

acknowledgement. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Notice of Allowance dated January 9, 2008.

Applicant hereby respectfully requests that:

- (1) the appropriately acknowledged PTO-1449s be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:kh
Facsimile: 202.756.8087
Date: September 15, 2008

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as our correspondence address.**

Applicant:	Jack C. RAINS, et al.			Docket No.	049480-0065		Serial No.	10/555,094	
Title:	PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS					Patent No.			
Date Sent:	9/18/2007	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail	<input type="checkbox"/> Express Mail No.		
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<input type="checkbox"/> New Patent App	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Cont.	<input type="checkbox"/> CIP	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	
<input type="checkbox"/> Other:	<input type="checkbox"/> Letter submitting _____ pages of drawings <input type="checkbox"/> Req. for Approval of Drawing Amendments <input type="checkbox"/> Req. for Oral Hearing <input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Rule 312 Amendment/Letter <input type="checkbox"/> Req. for Acknowledgement of Cited Art <input type="checkbox"/> Issue Fee <input type="checkbox"/> Publication Fee <input type="checkbox"/> Req. for Certificate of Correction <input type="checkbox"/> Maintenance Fee for _____ years after grant <input type="checkbox"/> Fee Address Indication Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Petition to Commissioner <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Other <u>U.S. Office Action issued in U.S. Patent Application No. 11/233,036</u>								
<input checked="" type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity <input checked="" type="checkbox"/> Declaration/Power of Attorney <input checked="" type="checkbox"/> Recordation of Assignment/Security Agreement <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> 1 Form PTO 1449 <input type="checkbox"/> References attached <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Response to Missing Parts Notice <input type="checkbox"/> Resp. to Notice to Correct App. Papers <input type="checkbox"/> Certified Copy of Priority Doc. <input type="checkbox"/> Claim for Convention Priority <input type="checkbox"/> Response/Amendment to Office Action of _____ <input type="checkbox"/> Request for _____ month Extension of Time									
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THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.									

Applicant:	Jack C. RAINS, et al.				Docket No.	049480-0065	Serial No.	10/555,094	
Title:	PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS				Patent No.				
Date Sent:	02/22/2007	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail	<input type="checkbox"/> Express Mail No.		
<input checked="" type="checkbox"/> Transmittal Letter									
<input type="checkbox"/> New Patent App	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Cont.	<input type="checkbox"/> CIP	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	
<input type="checkbox"/> Other:	<input type="checkbox"/> Letter submitting _____ pages of drawings <input type="checkbox"/> Req. for Approval of Drawing Amendments <input type="checkbox"/> Req. for Oral Hearing <input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief <input type="checkbox"/> Rule 312 Amendment/Letter <input type="checkbox"/> Req. for Acknowledgement of Cited Art <input type="checkbox"/> Issue Fee <input type="checkbox"/> Publication Fee <input type="checkbox"/> Req. for Certificate of Correction <input type="checkbox"/> Maintenance Fee for _____ years after grant <input type="checkbox"/> Fee Address Indication Form _____ <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Petition to Commissioner <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Other <u>International Preliminary Report on Patentability and Written Opinion</u>								
<input checked="" type="checkbox"/> Small Entity	<input checked="" type="checkbox"/> Large Entity								
<input type="checkbox"/> Declaration/Power of Attorney									
<input type="checkbox"/> Recordation of Assignment/Security Agreement									
<input checked="" type="checkbox"/> Information Disclosure Statement									
1 <input type="checkbox"/> Form PTO 1449									
2 <input type="checkbox"/> References attached									
<input type="checkbox"/> Preliminary Amendment									
<input type="checkbox"/> Response to Missing Parts Notice									
<input type="checkbox"/> Resp. to Notice to Correct App. Papers									
<input type="checkbox"/> Certified Copy of Priority Doc.									
<input type="checkbox"/> Claim for Convention Priority									
<input type="checkbox"/> Response/Amendment to Office Action of									
<input type="checkbox"/> Request for _____ month Extension of Time									
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Applicant: Jack C. RAINS, et al.Docket No. 049480-0065

Serial No.

Not yet assignedTitle: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS

Patent No.

Date Sent: 11/2/2005 Hand Carried Fax Electronic Cert. of Mailing 1st Class Mail Express Mail No. Transmittal Letter New Patent App Utility Design Cont. CIP Div. PCT RCE Prov Other: _____ Letter submitting _____ pages of drawings

42 pages of Specification

 Req. for Approval of Drawing Amendments

5 pages of Claims

 Req. for Oral Hearing

1 pages of Abstract

 Not. of Appeal Appeal Brief Reply Brief

12 pages of Formal Drawings

 Rule 312 Amendment/Letter Small Entity Large Entity Req. for Acknowledgement of Cited Art Declaration Issue Fee Recordation of Assignment Power of Attorney Information Disclosure Statement Statement under 37 CFR 3.73 (b)

2 Form PTO 1449

 PCT/RO/101

7 copies of cited references

 PCT/RO/102

Preliminary Amendment

 PCT/RO/105

Response to Missing Parts Notice

 PCT/ISA/202

Resp. to Notice to Correct App. Papers

 PCT/IB/301

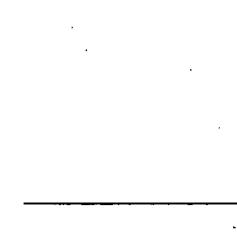
Certified Copy of Priority Doc.

 PCT/IB/304

Claim for Convention Priority



Response/Amendment to Office Action of _____



Request for _____ month Extension of Time

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CMS Descrip.: 1-300.00 31-100.00 32-200.00 3-300.00 EARLY SERIAL NUMBER

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